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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RUSSELL PESTERFIELD,

CV 03-582-RE

Plaintiff,

v.

JO ANNE B. BARNHART  
Commissioner of Social Security,

Defendant.

ORDER GRANTING  
ATTORNEYS' FEES UNDER  
42 U.S.C. § 406(b)

Attorneys' fees in the amount of \$17,721.00 are hereby awarded to Plaintiff's attorney pursuant to 42 U.S.C. § 406(b). The court finds that this is a reasonable fee in light of the circumstances in this case. Previously, this court awarded Plaintiff attorney fees in the amount of \$4584.28 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the 406(b) check for payment to Plaintiff's attorney, the agency is directed to subtract the amount previously awarded under the EAJA and send Plaintiff's attorneys the balance of \$13,136.72, minus any applicable processing fees as allowed by statute.

DATED this 14 day of November, 2005.

  
United States District Judge

Presented by:

/s/ Kimberly K. Tucker  
Kimberly K. Tucker  
Of Attorneys for Plaintiff

ORDER GRANTING ATTORNEYS' FEES